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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,981	03/23/2005	Jena-Marie Vau	85052DAN	6374
1333	7590	03/05/2008		
EASTMAN KODAK COMPANY			EXAMINER	
PATENT LEGAL STAFF			KIM, HEE SOO	
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ROCHESTER, NY 14650-2201				
			ART UNIT	PAPER NUMBER
			2157	
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			03/05/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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## Office Action Summary

Application No.

10/528,981

Applicant(s)

VAU ET AL.

Examiner

HEE SOO KIM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This action is responsive to an RCE filed on 2/08/08.

Claims 9 and 13 have been cancelled.

Claims 1~8 and 10~12 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1~8 and 10~12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Subrahmanyam (U.S 5,732,214) in view of Applicant Admitted Prior Art hereinafter 'AAPA'.

Regarding Claim 1,

Subrahmanyam taught a method enabling a communication of at least one multimedia message between at least a first and a second terminal located in a digital network comprising a first data server and a second data server, the first data server comprising a first user data base and a first storage means enabling a temporary archiving of the at least one multimedia message, and the second data server comprising a second user data base and a second storage means, said method comprising the following steps:

determine a subscription identifier to an archiving service of the second terminal, the archiving service being specific to the second data server (Col. 3, Lines 7~9);

automatically associating the receiving address with the subscription identifier to the archiving service of said second terminal (Col. 4, Lines 28~32);

automatically reformatting said multimedia message with additional data, said additional data comprising a dynamic link corresponding to the subscription identifier to perform an automatic billing of the archiving with the archiving service (Col. 4, Lines 19~22, Lines 41~50, access to the archival services are made directly or indirectly by other network nodes or other means);

automatically sending the content of said multimedia message from the first data server to the second data server (Col. 4, Lines 58~62); and

automatically archiving the content of said multimedia message in the second storage means comprised in the second data server up to the moment when said multimedia message is consulted on the second terminal (Col. 5, Lines 11~12, Col. 6, Lines 14~22).

Subrahmanyam did not teach from at least one multimedia message sent from the first terminal of the digital network and intended to be sent to a receiving address of a second terminal of said digital network, the content of said multimedia message being temporarily saved in the first storage means comprised in the first data server.

However, applicant has admitted in the background of the invention, messages exchanged between terminals are temporarily stored (archived) in a server (AAPA, Pg. 2, Lines 4~7),

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to incorporate, in Subrahmanyam's system, a server for temporarily storing data messages, as it would allow terminal users to view the data messages at a later time.

Regarding Claim 2,

Chen taught wherein the content of the multimedia message sent comprises at least one image, at least one text element, and at least one audio partition (Col. 5, Lines 1~3).

Regarding Claim 3,

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Chen taught before the archiving step, an automatic extraction is performed from a part of the content of the multimedia message (Col. 12, Lines 30~35, file processing (i.e. extraction) is performed on the data to be archived).

Regarding Claims 4~6,

Chen taught before the archiving step, at least one image, text element, and audio partition are extracted from the multimedia message (Col. 11, Lines 33~38, server performs any data processing (implies data can be an image, text, and/or audio) requested by user).

Regarding Claim 7,

Chen taught the extraction is performed from the first server (Col. 11, Lines 38~50).

Regarding Claim 8,

Chen taught the extraction is performed from the second server (Col. 11, Lines 38~50).

Regarding Claim 10,

Subrahmanyam taught the additional data comprise a notification of archiving information of the multimedia message on the second server (Col. 6, Lines 4~12).

Regarding Claim 11,

Subrahmanyam taught the additional data comprise a dynamic link to a user account of the recipient of the multimedia message (Col. 11, Lines 14~21).

Regarding Claim 12,

Subrahmanyam taught the additional data comprise a dynamic link to perform an archiving confirmation request (Col. 5, Lines 47~65, at the time of archiving, initiating transfer is based on prearranged details (a type of confirmation is needed) of what is to be transferred).

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

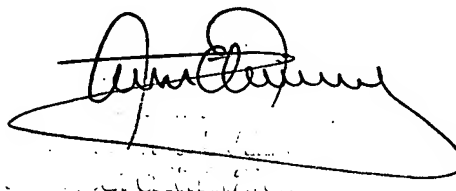
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hee Soo Kim whose telephone number is (571) 270-3229. The examiner can normally be reached on Monday - Thursday 8:00AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. K./  
2/28/08

A handwritten signature in black ink, appearing to be "H. K.", written over a horizontal line. Below the signature, there is some faint, illegible text.